## FATENT COOPERATION TREATY

NOTIFICATION OF ELECTION  (PCT Rule 61.2)  Date of mailing (day/month/year)  22 Octobro 2000 (co. 2000)  NOTIFICATION OF ELECTION  Assistant Commissioner for Patents of United States Patent and Trademark Office Box PCT Washington, D.C.20231 ETATS-UNIS D'AMERIQUE	ger.
Jack of mailing (day/month/year)	
23 October 2000 (23.10.00) in its capacity as elected Office	- 1
International application No.  PCT/EP00/00978  Applicant's or agent's file reference 9906920-Bzmi	ᆿ
International filing date (day/month/year)  08 February 2000 (08.02.00)  Applicant  Priority date (day/month/year)  19 February 1999 (19.02.99)	$\dashv$
LINXWEILER, Winfried et al	
1. The designated Office is hereby notified of its election made:    X   In the demand filed with the International Preliminary Examining Authority on:   24 August 2000 (24.08.00)   In a notice effecting later election filed with the International Bureau on:   2. The election   X   was   was not   was not   was not   was not   was not   was not   was 2.2(b).	
The International Bureau of WIPO  34. chemin des Colombettes	Ī
1211 Geneva 20, Switzerland       Kari Huynh-Khuong         Facsimile No.: (41-22) 740.14.35       Telephone No.: (41-22) 338.83.38         Form PCT/IB/331 (July 1992)	

### (12) NACH DEM VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS (PCT) VERÖFFENTLICHTE INTERNATIONALE ANMELDUNG

(19) Weltorganisation für geistiges Eigentum Internationales Büro



## 

(43) Internationales Veröffentlichungsdatum 24. August 2000 (24.08.2000)

**PCT** 

(10) Internationale Veröffentlichungsnummer WO 00/49039 A3

- (51) Internationale Patentklassifikation<sup>7</sup>: C12N 15/65, 15/62, 9/04, C07K 14/00, G01N 27/26, C12Q 1/32
- (21) Internationales Aktenzeichen: PCT/EP00/00978
- (22) Internationales Anmeldedatum:

8. Februar 2000 (08.02.2000)

(25) Einreichungssprache:

Deutsch

(26) Veröffentlichungssprache:

Deutsch

- (30) Angaben zur Priorität: 199 06 920.4 19. Februar 1999 (19.02.1999) DE
- (71) Anmelder (für alle Bestimmungsstaaten mit Ausnahme von US): MERCK PATENT GMBH [DE/DE]; Frankfurter Strasse 250, D-64293 Darmstadt (DE).
- (72) Erfinder; und
- (75) Erfinder/Anmelder (nur für US): LINXWEILER, Winfried [DE/DE]; Bahnhofstrasse 48, D-64823 Gross-Umstadt (DE). BURGER, Christa [DE/DE]; Carsonweg 23, D-64289 Darmstadt (DE). PÖSCHKE, Oliver [DE/DE]; Paracelsusweg 7, D-65203 Wiesbaden (DE). HOFMANN, Uwe [DE/DE]; Hähnleinerstr. 42, D-64665 Alsbach (DE). WOLF, Andrea [DE/DE]; Lahrer Str. 15a, D-68239 Mannheim (DE).

- (74) Gemeinsamer Vertreter: MERCK PATENT GMBH; D-64271 Darmstadt (DE).
- (81) Bestimmungsstaaten (national): AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Bestimmungsstaaten (regional): ARIPO-Patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), eurasisches Patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), europäisches Patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI-Patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

#### Veröffentlicht:

- Mit internationalem Recherchenbericht.
- (88) Veröffentlichungsdatum des internationalen Recherchenberichts: 14. Dezember 2000

Zur Erklärung der Zweibuchstaben-Codes, und der anderen Abkürzungen wird auf die Erklärungen ("Guidance Notes on Codes and Abbreviations") am Anfang jeder regulären Ausgabe der PCT-Gazette verwiesen.

- (54) Title: GLUCOSE DEHYDROGENASE FUSION PROTEINS AND THEIR UTILIZATION IN EXPRESSION SYSTEMS
- (54) Bezeichnung: GLUCOSE-DEHYDROGENASE-FUSIONSPROTEINE UND IHRE VERWENDUNG IN EXPRESSIONS-SYSTEMEN
- (57) Abstract: The invention relates to novel recombinant fusion proteins containing a protein sequence having the biological activity of glucose dehydrogenase as one of its constituents and to their utilization for simple and efficient detection of any type of proteins/polypeptides in SDS-Page gels and for quick optimization of expression systems that can express the above-mentioned proteins/polypeptides.
- (57) Zusammenfassung: Die Erfindung betrifft neue rekombinante Fusionsproteine, welche als ein Bestandteil eine Proteinsequenz mit der biologischen Aktivität von Glucose-Dehydrogenase enthalten sowie ihre Verwendung zum einfachen und effizienten Nachweis von beliebigen Proteinen/Polypeptiden in SDS-PAGE-Gelen und zur raschen Optimierung von Expressionsystemen, welche besagte Proteine/Polypeptide zu exprimieren in der Lage sind.



		<b>1</b>

Inter xnai Application No PCT/EP 00/00978

A CLASSIFICATION OF SUBJECT MATTER IPC 7 C12N15/65 C12N15/62

C12Q1/32

C12N9/04

C07K14/00

G01N27/26

According to International Patent Classification (IPC) or to both national classification and IPC

#### B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC 7 C12N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, PAJ, WPI Data

_		
C.	OCUMENTS CONSIDERED TO BE RELEVANT	

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 290 768 B (MERCK PATENT GMBH) 19 January 1994 (1994-01-19) cited in the application examples 4,9,10	1,4-6
A	DATABASE WPI Section Ch, Week 199838 Derwent Publications Ltd., London, GB; Class B04, AN 1998-447222 XP002144211 & WO 98 35025 A (KANEKA CORP), 13 August 1998 (1998-08-13) abstract	1,2,4-9, 11,12

|X | '

Patent family members are listed in annex.

Special categories of cited documents:

—

2

- "A" document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed
- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention carnot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Date of mailing of the international search report

"&" document member of the same patent family

Date of the actual completion of the international search

18/08/2000

3 August 2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Mateo Rosell, A.M.

Form PCT/ISA/210 (second sheet) (July 1992)

trib ional Application No PCT/EP 00/00978

		PCT/EP 00/009	/6
(Continuetto	n) DOCUMENTS CONSIDERED TO BE RELEVANT	la.	rat to claim No.
ategory ° C	tation of document, with indication, where appropriate, of the relevant passages	Reieva	nt to class No.
	DATABASE WPI Section Ch, Week 198844 Derwent Publications Ltd., London, GB; Class D16, AN 1988-311973 XP002144192 & JP 63 230098 A (FUJITSU LTD), 26 September 1988 (1988-09-26) abstract		1,7,8, 13,14
A	RYGUS T ET AL: "INDUCIBLE HIGH-LEVEL EXPRESSION OF HETEROLOGOUS GENES IN BACILLUS-MEGATERIUM USING THE REGULATORY ELEMENTS OF THE XYLOSE-UTILIZATION OPERON" APPLIED MICROBIOLOGY AND BIOTECHNOLOGY, vol. 35, no. 5, 1991, pages 594-599, XP000933839 ISSN: 0175-7598 the whole document		1,2,4-9, 11,12,14
A	FUJITA Y ET AL: "LOCATION AND PROPERTIES OF GLUCOSE DEHYDROGENASE EC-1.1.1.47 IN SPORULATING CELLS AND SPORES OF BACILLUS-SUBTILIS" JOURNAL OF BACTERIOLOGY, vol. 132, no. 1, 1977, pages 282-293, XP000933845 EN ISSN: 0021-9193 abstract page 286, right-hand column, last paragraph -page 287, left-hand column, paragraph 1; figure 2		13,14
A	SINHA P ET AL: "USE OF PHYSIOLOGICAL SUBSTRATES FOR ZYMOGRAMS OF DISACCHARIDASES AFTER SEPARATION IN IMMOBILIZED PH GRADIENTS" JOURNAL OF BIOCHEMICAL AND BIOPHYSICAL METHODS, vol. 18, no. 3, 1989, pages 195-208, XP000933838 ISSN: 0165-022X the whole document		13 1,4 <b>-9</b>
A	NAGAO T ET AL: "CLONING NUCLEOTIDE SEQUENCES AND ENZYMATIC PROPERTIES OF GLUCOSE DEHYDROGENASE ISOZYMES FROM BACILLUS-MEGATERIUM IAM1030" JOURNAL OF BACTERIOLOGY, vol. 174, no. 15, 1992, pages 5013-5020, XP000933848 ISSN: 0021-9193 the whole document  -/		1,7 -



inter onal Application No PCT/EP 00/00978

C.(Continu	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	PCI/EP 0	0/009/8
ategory °		<del></del>	Relevant to claim No.
A	HOPP T P ET AL: "A SHORT POLYPEPTIDE MARKER SEQUENCE USEFUL FOR RECOMBINANT PROTEIN IDENTIFICATION AND PURIFICATION" BIO/TECHNOLOGY, vol. 6, 1 October 1988 (1988-10-01), pages 1204-1210, XP002046115 the whole document		3
P,A	EP 0 967 271 A (KANEGAFUCHI CHEMICAL IND) 29 December 1999 (1999-12-29) page 6, line 41-48; examples 9-12		1,2,4-9, 11,12
		į	
PCT/SA 710	(continuation of second sheet) (July 1992)		

2

information on patent family members

Ints Ional Application No PCT/EP 00/00978

Patent document ited in search report		Publication date	Patent family member(s)	Publication date
EP 0290768	В	17-11-1988	DE 3711881 A DE 3887197 D EP 0290768 A ES 2061536 T JP 2729628 B JP 63269979 A US 5126256 A US 5250415 A	27-10-1988 03-03-1994 17-11-1988 16-12-1994 18-03-1998 08-11-1988 30-06-1992 05-10-1993
WO 9835025	A	13-08-1998	AU 4032997 A EP 0967271 A	26-08-1998 29-12-1999
JP 63230098	A	26-09-1988	NONE	
EP 0967271	Α	29-12-1999	AU 4032997 A WO 9835025 A	26-08-1998 13-08-1998



*1	TERNATIONALER RECHERCHEN	OBERICAL		
			Intx ionales PCT/EP 0	Aktenzeichen
A KLAS	SIFIZIERUNG DES ANMELDUNGSGEGENSTANDES		rui/Er u	0/009/8
IPK 7	C12N15/65 C12N15/62 C12N9/ C12Q1/32	'04 C07K14/	'00 G01I	N27/26
Nach der I	nternationalen Patentidassifikation (IPK) oder nach der nationalen	Klassifikation und der IPK		
B. RECHI	ERCHIERTE GEBIETE			
Recherchic IPK 7	erter Mindestprüfstoff (Klassifikationssystem und Klassifikationssy C12N	mbole )		
Recherchie	erte aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen	, soweit diese unter die rec	herchierten Gebiet	e fallen
Während d	er internationalen Recherche konsultierte elektronische Datenbank	r (Name der Datenhank un	d outl warmandata	6
EPO-In	nternal, BIOSIS, PAJ, WPI Data		G OVE. YOUNGINGSIG	Sucribegnite)
C. ALS W	ESENTLICH ANGESEHENE UNTERLAGEN			
Kategorie°	Bezeichnung der Veröffentlichung, soweit erforderlich unter Ang	abe der in Betracht komme	nden Teile	Betr. Anspruch Nr.
A	EP 0 290 768 B (MERCK PATENT GMI 19. Januar 1994 (1994-01-19) in der Anmeldung erwähnt Beispiele 4,9,10	ВН)		1,4-6
A	DATABASE WPI Section Ch, Week 199838 Derwent Publications Ltd., Londo Class B04, AN 1998-447222 XP002144211 & WO 98 35025 A (KANEKA CORP), 13. August 1998 (1998-08-13) Zusammenfassung	on, GB;		1,2,4-9, 11,12
	<del></del>	-/		
		•		
entine	ore Veröffentlichungen sind der Fortsetzung von Feld C zu ihmen	X Siehe Anhang P	atentfamilie	
A" Veröffen aber nic E" älteres D Anmeld L" Veröffent	Kategorien von angegebenen Veröffentlichungen : tichung, die den allgemeinen Stand der Technik definiert, cht als besonders bedeutsam anzusehen ist bokument, das jedoch erst am oder nach dem internationalen ledatum veröffentlicht worden ist tichung, die geeignet ist, einen Prioritätsanspruch zweifelhaft er- n zu lassen, oder durch die das Veröffentlichungsdatum einer n im Rechercheribericht genannten Veröffentlichung belegt werden die aus einem anderen besonderen Grund angegeben ist (wie hit)	Anmeldung nicht koll Erfindung zugrundelie Theorie angegeben is "X" Veröffentlichung von b kann allein aufgrund	itum verottentlicht diert, sondem nur egenden Prinzips ( st tesonderer Bedeut dieser Veröffentlich	internationalen Anmeldedatum worden ist und mit der zum Verständnis des der oder der ihr zugrundeliegenden tung; die beanspruchte Erfindung hung nicht als neu oder auf chtet werden
O" Veröffent eine Bei P" Veröffent dem bes	tichung, die sich auf eine mündliche Offenbarung, nutzung, eine Ausstellung oder andere Maßnahmen bezieht lichung, die vor dem internationalen Anmeldedatum, aber nach anspruchten Prioritätsdatum veröffentlicht worden ist	werden, wenn die Ver	röffentlichung mit e eser Kategorie in v einen Fachmann r	einer oder mehreren anderen Verbindung gebracht wird und naheliegend ist
atum des At	oschlusses der internationalen Recherche	Absendedatum des in		
3.	August 2000	18/08/200	00	

Europäisches Patentamt, P.B. 5818 Patentiaan 2
NL – 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo ni,
Fax: (+31-70) 340-3016

Formblatt PCT4SA/210 (Blatt 2) (Juli 1992)

2

Name und Postanschrift der Internationalen Recherchenbehörde

Bevollmächtigter Bediensteter

Mateo Rosell, A.M.



PCT/EP 00/00978

ĭ

	THE PART OF THE PA	
	Bezeichnung de rentlichung, soweit erforderlich unter Ang. der in Betracht kommenden Teile	Betr. Anspruch Nr.
ategorie°	Bezeichnung de nentlichung, soweit erforderlich unter Ange der in bestecktiven	
1	DATABASE WPI Section Ch, Week 198844 Derwent Publications Ltd., London, GB; Class D16, AN 1988-311973 XP002144192 & JP 63 230098 A (FUJITSU LTD), 26. September 1988 (1988-09-26) Zusammenfassung	1,7,8,
A	RYGUS T ET AL: "INDUCIBLE HIGH-LEVEL EXPRESSION OF HETEROLOGOUS GENES IN BACILLUS-MEGATERIUM USING THE REGULATORY ELEMENTS OF THE XYLOSE-UTILIZATION OPERON" APPLIED MICROBIOLOGY AND BIOTECHNOLOGY, Bd. 35, Nr. 5, 1991, Seiten 594-599, XP000933839 ISSN: 0175-7598 das ganze Dokument	1,2,4-9, 11,12,14
A	FUJITA Y ET AL: "LOCATION AND PROPERTIES OF GLUCOSE DEHYDROGENASE EC-1.1.1.47 IN SPORULATING CELLS AND SPORES OF BACILLUS-SUBTILIS" JOURNAL OF BACTERIOLOGY, Bd. 132, Nr. 1, 1977, Seiten 282-293, XP000933845 EN ISSN: 0021-9193 Zusammenfassung Seite 286, rechte Spalte, letzter Absatz -Seite 287, linke Spalte, Absatz 1; Abbildung 2	13,14
A	SINHA P ET AL: "USE OF PHYSIOLOGICAL SUBSTRATES FOR ZYMOGRAMS OF DISACCHARIDASES AFTER SEPARATION IN IMMOBILIZED PH GRADIENTS" JOURNAL OF BIOCHEMICAL AND BIOPHYSICAL METHODS, Bd. 18, Nr. 3, 1989, Seiten 195-208, XP000933838 ISSN: 0165-022X das ganze Dokument	1.4-9
A	NAGAO T ET AL: "CLONING NUCLEOTIDE SEQUENCES AND ENZYMATIC PROPERTIES OF GLUCOSE DEHYDROGENASE ISOZYMES FROM BACILLUS-MEGATERIUM IAM1030"  JOURNAL OF BACTERIOLOGY, Bd. 174, Nr. 15, 1992, Seiten 5013-5020, XP000933848 ISSN: 0021-9193 das ganze Dokument  -/	1,4-9



Inter xueles Aldenzeichen PCT/EP 00/00978

2

Angaben zu Veröffentlichungen, die zur selben Patentfamilie gehören

Inter nales Aktenzeichen
PCT/EP 00/00978

Angaben zu verdierisier					Data mades
Im Recherchenbericht geführtes Patentdokume	ent	Datum der Veröffentlichung	Mitglied(er Patentfan	der ville	Datum der Veröffentlichung
EP 0290768	В	17-11-1988	DE 388 EP 029 ES 206 JP 277 JP 6320	1881 A 17197 D 10768 A 51536 T 29628 B 59979 A 26256 A 50415 A	27-10-1988 03-03-1994 17-11-1988 16-12-1994 18-03-1998 08-11-1988 30-06-1992 05-10-1993
WO 9835025	A	13-08-1998		32997 A 67271 A	26-08-1998 29-12-1999
JP 63230098	Α	26-09-1988	KEINE		
EP 0967271	A	29-12-1999		32997 A 35025 A	26-08-1998 13-08-1998

## PCT

## INTERNATIONALER RECHERCHENBERICHT

(Artikel 18 sowie Regeln 43 und 44 PCT)

9906920-		WEITERES VORGEHEN	necherchenb	ng über die Übermittlung des internationalen erichts (Formblatt PCT/ISA/220) sowie, soweit chstehender Punkt 5
PCT/EP 0	es Aktenzeichen 00/ 00978	Internationales And (Tag/Monat/Jahr)	meldedatum 2/2000	(Frühestes) Prioritätsdatum (Tag/Monat/Jai
Anmelder MEDCK DA	TENT OND			19/02/1999
Dieser interna	TENT GMBH et al		alen Recherchenbe	ehörde erstellt und wird dem Anmelder gemäß
	tionale Recherchenbericht	umfaßt insgesamt 3	Diām	
1. Grundla	ge des Berlchts			
a. Hinsi	ichtlich der <b>Sprache</b> ist die ngeführt worden, in der sie	, , , , , , , , , , , , , , , , , , , ,	anton dicociti i dilki	der internationalen Anmeldung in der Sprache t nichts anderes angegeben ist.
b. Hinsi				örde eingereichten Übersetzung der internationalen
Rech	erche auf der Grundlage d in der internationalen A	nalen Anmeldung offenbar les Sequenzprotokolls durc nmeldung in Schriflicher Fo	ten <b>Nucleotid- un</b> e chgeführt worden, d orm enthalten ist	d/oder AmInosäuresequenz ist die internationale as
	zusammen mit der inter	nationalen Anmeldung in c	omputerlesbarer Fo	orm eingereicht worden ist.
	bei der Benorde nachträ	iglich in schriftlicher Form e	eingereicht worden	ist.
X	bei der Behörde nachträ	iglich in computerlesbarer i	Form eingereicht w	orden ist
[X]	Die Erklärung, daß das internationalen Anmeldu	nachträglich eingereichte s ing im Anmeldezeitpunkt hi	chriftliche Sequenz inausgeht, wurde vo	protokoll nicht über den Offenbarungsgehalt der orgelegt
X	Die Erklärung, daß die in wurde vorgelegt.	n computerlesbarer Form e	rfaßten Information	en dem schriftlichen Sequenzprotokoll entsprechen,
	Bestimmte Ansprüche	haben sich als nicht rech	nerchlerbar erwies	en (siehe Feld I).
" Ц	mangeinde Einheitlichi	<b>celt der Erfindung</b> (siehe l	Feld II).	
. Hinsichtlich	h der <b>Bezeichnung der</b> Ei			
$oxed{oxed}$	wird der vom Anmelder e	ringereichte Wortlaut genel	hmigt.	
	wurde der Wortlaut von d	ler Behörde wie folgt festge	esetzt:	
Hinsichtlich	n der <b>Zusammenfassung</b>			
	Anmelder kann der Behör Recherchenberichts eine	Stellungnahme vorlegen.	III angegebenen Fa nach dem Datum d	assung von der Behörde festgesetzt. Der der Absendung dieses internationalen
Folgende A	bbildung der <b>Zeichnunge</b> r	n ist mit der Zusammenfas	sung zu veröffentlic	hen: Abb. Nr.
닏	wie vom Anmelder vorges	chlagen		keine der Abb.
H	weil der Anmelder selbst k weil diese Abbildung die E	eine Abbildung vorgeschla	agen hat.	·
I I				



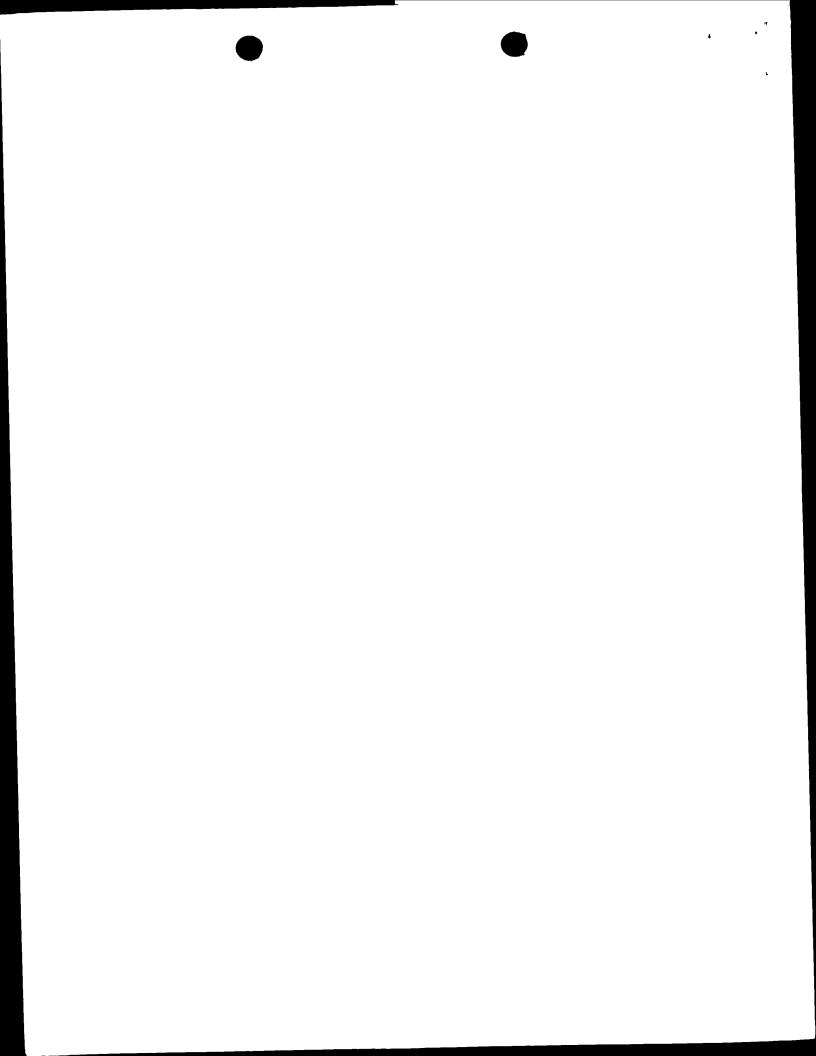
# PATENT COOPERATION TREATY

## **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 9906920-Bzmi	FOR FURTHER ACTION	SeeNotificat Examination	tionofTransmittalofInternational Preliminary n Report (Form PCT/IPEA/416)		
International application No. PCT/EP00/00978	International filing date (day/n 08 February 2000 (08		Priority date (day/month/year) 19 February 1999 (19.02.99)		
International Patent Classification (IPC) or na C12N 15/65, 15/62, 9/04, C07K	ational classification and IPC 14/00, G01N 27/26, C12Q 1	/32			
Applicant	MERCK PATENT G	МВН			
and approxim doc	ording to Article 30,		ational Preliminary Examining Authority		
	d by ANNEXES, i.e., sheets of	the description	eet.  n, claims and/or drawings which have been ons made before this Authority (see Rule		
These annexes consist of a tota	animotrative manuellons unde	r the PCT).			
3. This report contains indications relating	g to the following items:	<del></del>			
Basis of the report					
[[ Priority					
III Non-establishment of	opinion with regard to novelty,	inventive sten	and industrial applicability		
IV Lack of unity of invent			те жезана аррнеавину		
V Reasoned statement un citations and explanation	der Article 35(2) with regard to ons supporting such statement	novelty, inve	ntive step or industrial applicability;		
VI Certain documents cite	d				
VII Certain defects in the in	nternational application				
VIII Certain observations on the international application					
Date of submission of the demand	Date of co	mpletion of th	nis report		
24 August 2000 (24.08.0	0)	02 Ap	ril 2001 (02.04.2001)		
ame and mailing address of the IPEA/EP	Authorized	d officer			
acsimile No.	Telephone	No.			

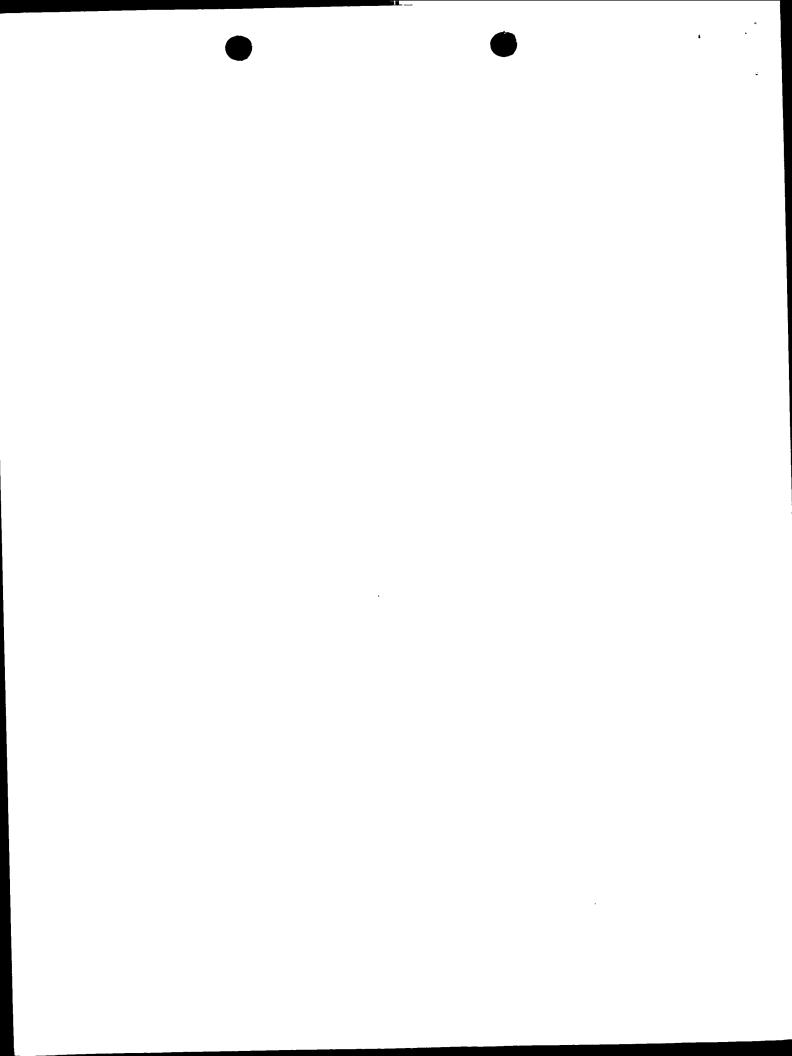




International application No.

PCT/EP00/00978

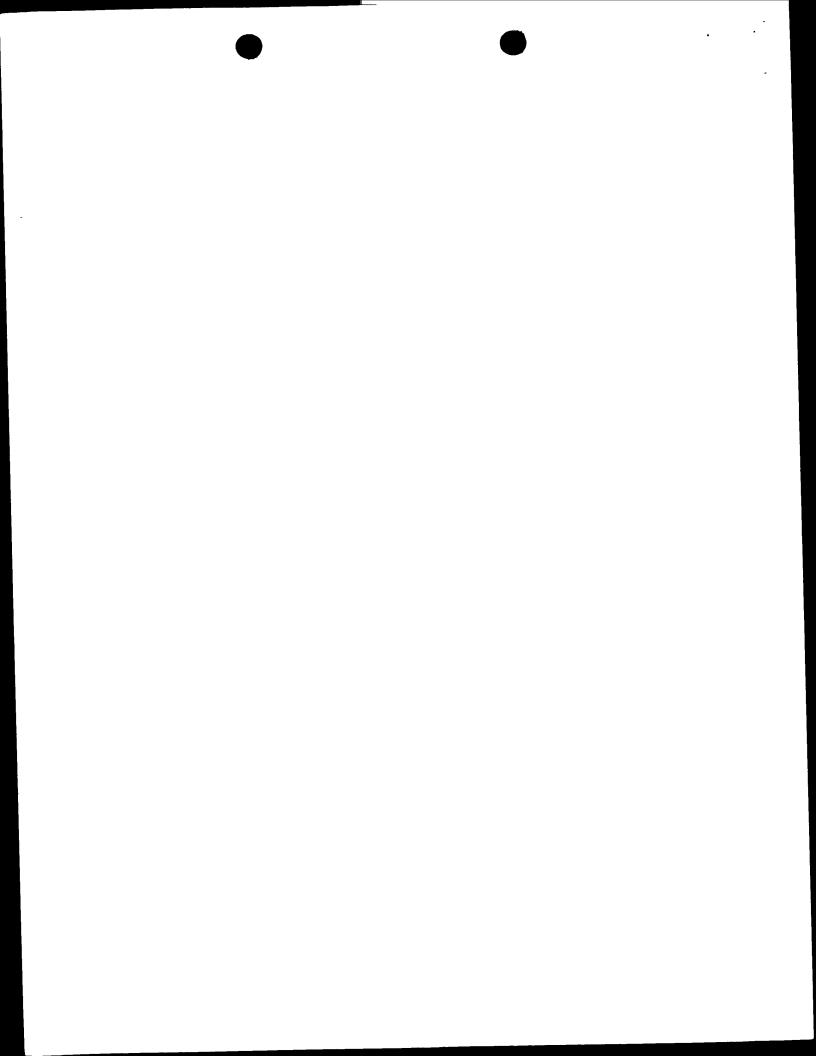
pages				PC1/EP00/009/8
the international application as originally filed the description: pages				
the description:  pages  pages  filed with the letter of  the claims:  pages  the claims:  pages  filed with the letter of  the drawings:  pages  filed with the letter of  the drawings:  pages  filed with the letter of  the drawings:  pages  filed with the letter of  the sequence listing part of the description:  pages  filed with the letter of  the sequence listing part of the description:  pages  filed with the letter of  the sequence listing part of the description:  pages  filed with the letter of  the international application was filed, unless otherwise indicated under this item.  These clements were available of furnished to this Authority in the following language which is:  the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of publication of the international application (under Rule 48.3(b)).  the language of publication of the international application international preliminary examination (under Rule 55.2 and/or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing  contained in the international application in written form.  furnished subsequently to this Authority in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authorit	1. With	regard	to the elements of the international application:*	
pages   1-36   , as originally filed pages   , filed with the letter of      the claims:		the int	ternational application as originally filed	
pages	$\boxtimes$	the de	scription:	
pages		pages	1-36	ag originally, Cl
the claims: pages		pages		
the claims:  pages		pages	, filed with the letter of	, med with the deman
	$\boxtimes$	the cla	•	
pages		pages	1.17	
pages   filed with the letter of		pages		, as originally filed
the drawings:  pages  pages  filed with the letter of  the sequence listing part of the description:  pages  pages  filed with the letter of  the sequence listing part of the description:  pages  pages  filed with the letter of  the sequence listing part of the description:  pages  pages  filed with the letter of  with regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international application in written form.  filed together with the international application in written form.  filed together with the international application in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos. the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**		pages		
the drawings:  pages  pages  filed with the letter of  the sequence listing part of the description:  pages  pages  filed with the letter of  the sequence listing part of the description:  pages  pages  filed with the letter of  the sequence listing part of the description:  pages  filed with the letter of  filed with the letter of  with regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  These elements were available or furnished to this Authority in the following language  which is:  the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/ or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international application was carried out on the basis of the sequence listing:  contained in the international application in written form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos.  the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**		pages	filed with the letter of	, filed with the demand
pages	$\boxtimes$	the dray		
pages	لي		-	
the sequence listing part of the description:  pages		pages	Cladwid d. L	, filed with the demand
pages	M +1	he reaus	, filed with the letter of	
pages	Ľ 11		-	
which is: the language of the translation furnished for the purposes of international preliminary examination (under Rule 23.1(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 23.1(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 25.2 and/or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in computer readable form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written form. furnished subsequently to this Authority in computer readable form. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  teplacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to the first port as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).		•		, as originally filed
With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  These elements were available or furnished to this Authority in the following language which is:  the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of publication of the international application (under Rule 48.3(b)).  the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:  contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos.  the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  **Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to no this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).				, filed with the demand
These elements were available or furnished to this Authority in the following language which is:  the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of publication of the international application (under Rule 48.3(b)).  the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/ or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international application in written form.  filed together with the international application in written form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages		-	, filed with the letter of	
contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages the claims, Nos. the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to and 70.17).		the lang	uage of publication of the international application (under Rule 48.3(b)).	
filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos.  the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to an this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).			and believe the sequence fishing.	onal application, the international
furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos.  the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).				
furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos.  the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to me this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).	H	furnishe	d subsequently as all in the life in the state of the subsequently as all in the state of the subsequently as a state of th	
The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages the claims, Nos.  the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to an this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).				
The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos.  the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).	M '	The state	a subsequently to this Authority in computer readable form.	
The amendments have resulted in the cancellation of:  the description, pages the claims, Nos. the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).			Production as med has been fulfillshed.	
the description, pages the claims, Nos. the drawings, sheets/fig  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).		een furn	nished.	o the written sequence listing has
the claims, Nos the drawings, sheets/fig This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to an inthis report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).	L T	The amer	ndments have resulted in the cancellation of:	
This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).	_	the	e description, pages	
This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  Teplacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16).	Ļ	the	e claims, Nos.	
eplacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).	L.	the	e drawings, sheets/fig	
nd 70.17). and the statement of this report since they do not contain amendments (Rule 70.16)	The be	nis repor	t has been established as if (some of) the amendments had not been made, since disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**	e they have been considered to go
	Replacen	ment she	ets which have been furnished to the receiving Office in	n under Article 14 are referred to contain amendments (Rule 70.16
to under them I and annexed to this report.				
				i io inis report.



Supplemental Box	
(To be used when the space in any o	f the preceding boxes is not sufficient)
	Protocoming coxes is not sufficient)

Continuation of: Box I.1

This report has considered the sequence protocol on pages 37-49 (Seq ID nos. 1-14).



otional .	
	application No.
PCT/EP	00/00978

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
 citations and explanations supporting such statement

. Statement			
Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	7-17	YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims	_	NO

#### 2. Citations and explanations

This report makes reference to the following documents:

D1: APPLIED MICROBIOLOGY AND BIOTECHNOLOGY, Vol. 35,

No. 5, 1991, pages 594-599

D2: BIO/TECHNOLOGY, Vol. 6, 1 October 1988 (1988-10-

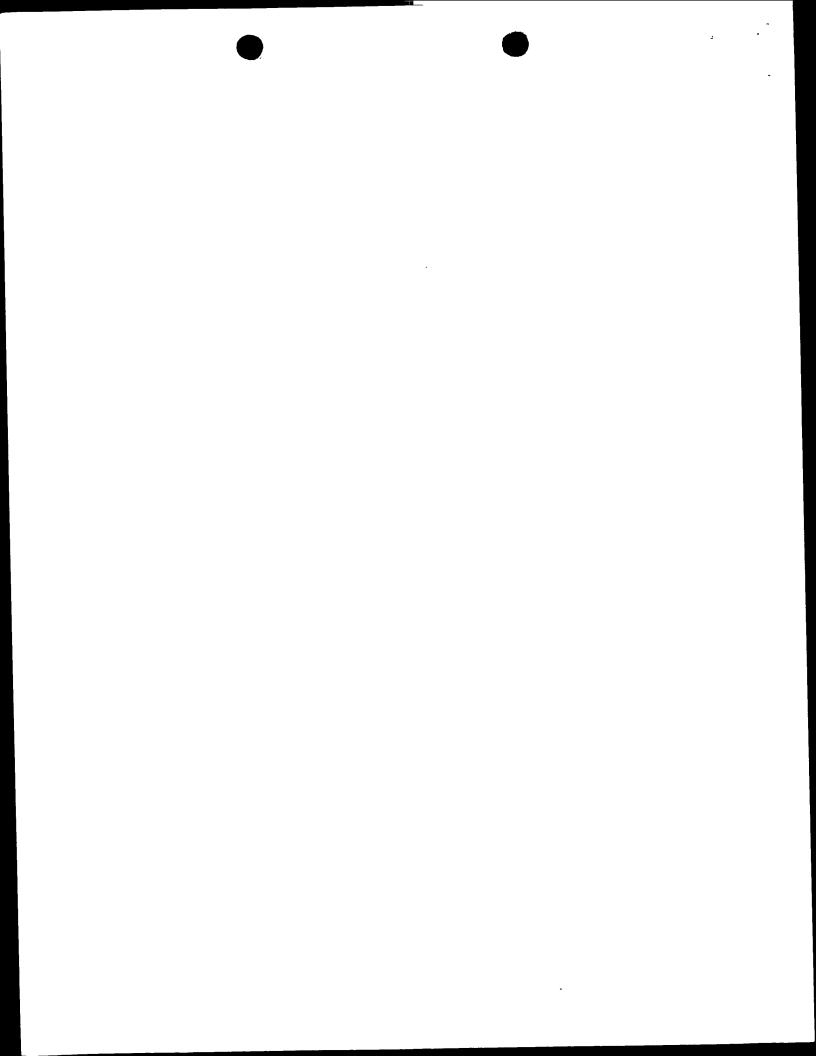
01), pages 1204-1210.

The priority of the present application is valid.

The present invention relates to recombinant fusion proteins comprising at least two parts: a target protein and glucose dehydrogenase (GlcDH) as marker or detector protein. The invention was based on the observation that GlcDH is outstandingly stable in relation to denaturing agents such as SDS (application: page 1, second paragraph). Target proteins can also be produced as fusion proteins at a higher yield and with greater stability with GlcDH (application: page 1, third paragraph).

### 1. Novelty (PCT Article 33(2)):

Claim 1 is novel, since none of the available documents
discloses a recombinant fusion protein comprising a
sequence with the biological activity of GlcDH. Claims 2-



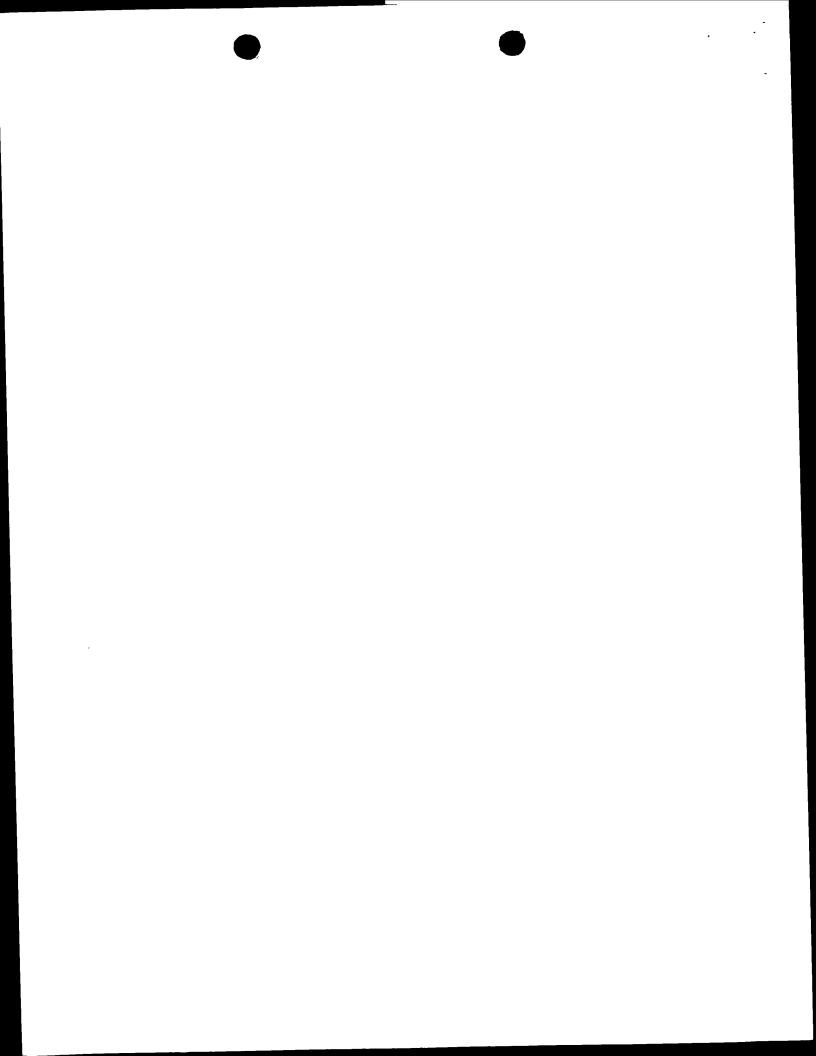
17 are accordingly also novel, since they are all based on a fusion protein of this kind or the DNA which codes for it.

## 2. Inventive step (PCT Article 33(3)):

2.1 **Claim 1** does not appear to satisfy the requirements of PCT Article 33(3) for the following reasons.

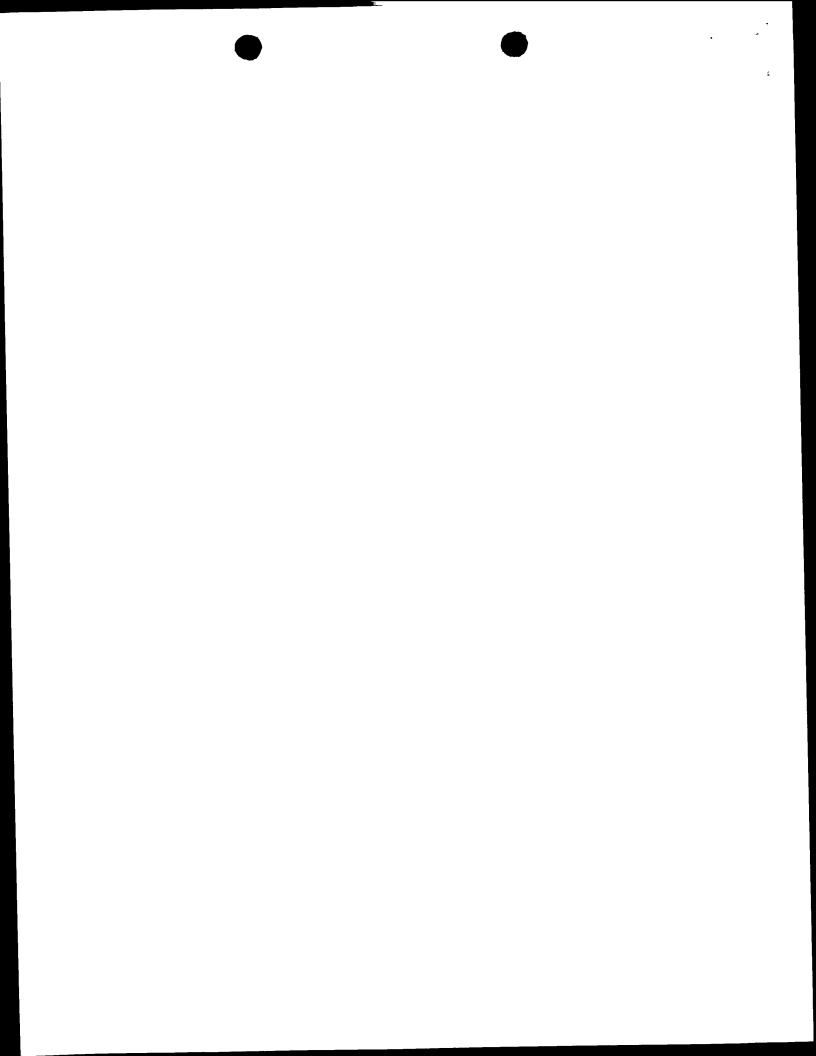
D1, which is considered to be the closest prior art, describes the overexpression of heterologous genes in Bacillus megaterium. Amongst other things it also discloses the recombinant expression of glucose dehydrogenase and the expression of fusion proteins comprising mutarotase and a peptide comprising 4 amino acids (see D1: Fig. 3). The subject matter of Claim 1 differs from the disclosure in D1 in that D1 does not describe a fusion protein comprising GlcDH and a further amino acid sequence.

The fusion of a second amino acid sequence onto the GlcDH sequence does not per se appear to solve a problem. It does not therefore appear to meet the requirements of PCT Article 33(3) for the following reasons. The scope of Claim 1 also includes, for example, fusion proteins e.g. containing only one additional signal sequence or one tag (e.g. 6x His) which make the specific targeting or the purification of the recombinant fusion protein easier. These fusion proteins, which are well-known to a person skilled in the art (e.g. D2: page 1204, column 1), are not, however, covered by the present invention, which solves the problem of providing an alternative marker and detection protein for recombinant expression systems.



Since **product Claims 2-6** contain the general feature fusion protein comprising GlcDH and a second sequence, these claims likewise appear not to involve an inventive step (PCT Article 33(3)).

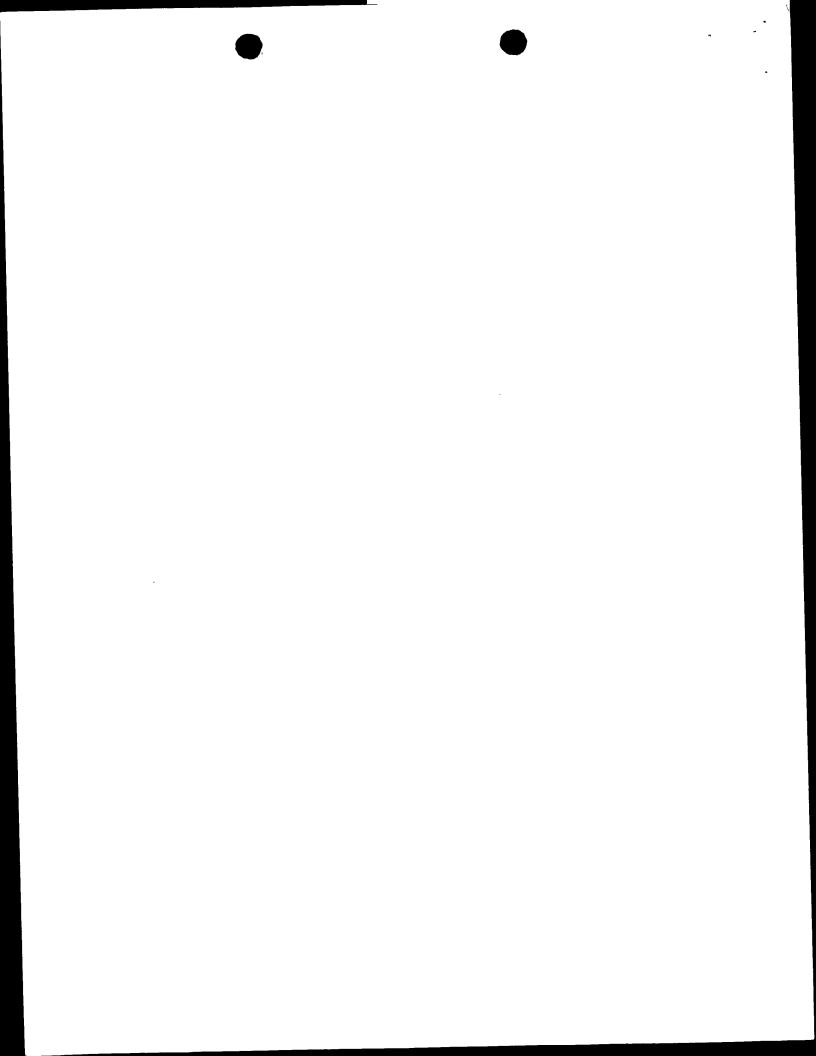
- 2.2 Since Claims 7-10 and 13-17 relate to uses and methods based on GlcDH's function as a marker and detector protein in a fusion protein with a target polypeptide, these claims appear to solve the above problem and so appear to be inventive. The use of GlcDH in fusion proteins to detect a target protein is neither disclosed in nor obvious from any of the available documents.
- 2.3 Claims 11 and 12 relate to the optimization of expression with the aid of a fusion protein containing GlcDH. Claims 11 and 12 appear to satisfy the requirements of PCT Article 33(3), since the use of GlcDH cDNA in a recombinant expression vector to increase the yield and stability of the fusion protein is neither disclosed in nor obvious from any of the available documents.





International application No.

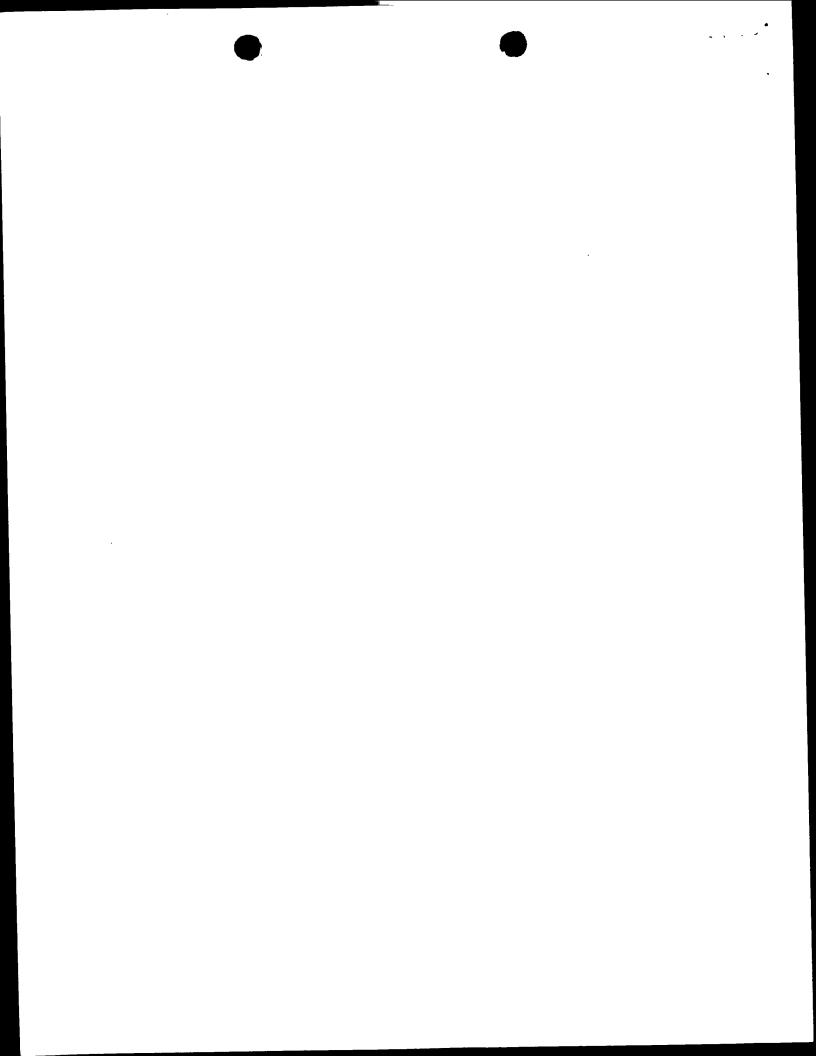
•	ents (Rule 70.10)				
Application No. Patent No.	Publication of (day/month/ye		Filing date (day/month/year)		Priority date (valid claim) (day/month/year)
EP-A- 967 271	29 December 1999	(29.12.1999) 01 9	September 1997 (01	- .09.1997)	07 February 1997 (07.02.199 30 April 1997 (30.04.1997)
Non-written disclosures (Ru		ate of non-written o	lisclosure r	Date of eferring to r	written disclosure



VII.	Certain	defects	in	the	international	application
------	---------	---------	----	-----	---------------	-------------

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or D2 or indicate the relevant prior art disclosed therein.



### VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 11 and 12 do not satisfy the requirements of PCT Article 6 for the following reasons:

- The term "optimization of expression" is not clear. It appears from the description that this might mean increasing the yield and stability of the fusion protein expressed (page 1, third paragraph).
- The same paragraph of the description states also that this applies only in "a number of cases".

  Claims 11 and 12 are not therefore fully supported by the description.

